

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1719**

---

**Introduced by Assembly Members Weber and Buchanan**

February 13, 2014

---

An act to amend Section 37202 of, to amend and repeal Sections 8973, 46111, 46117, 46118, and 46119 of, and to amend, repeal, and add Sections 46112 and 46114 of, the Education Code, relating to kindergarten.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1719, as amended, Weber. Full-day kindergarten.

Existing law provides that school districts offering kindergarten may maintain kindergarten classes at different schoolsites for different lengths of time.

This bill would require, commencing with the 2017–18 school year, school districts offering kindergarten to implement a full-day kindergarten program, thereby imposing a state-mandated local program. The bill would permit a school to postpone implementation of a full-day kindergarten if its governing board approves the postponement. The bill would require the governing board of the school district to submit the reasons for the postponement to the State Department of Education within one month of the vote. The bill would provide that a minimum schoolday for full-day kindergarten is ~~230 minutes, as specified~~; *the same number of minutes per schoolday that is offered to pupils in first grade*. The bill would provide that a school district that has postponed

implementation of the full-day kindergarten requirement has a minimum schoolday of 180 minutes.

This bill also would make conforming changes to other provisions of existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) All California public school kindergarten pupils deserve the
- 4 opportunity to maximize their growth, development, and success
- 5 at this critical time in their developmental process.
- 6 (b) Full-day kindergarten provides this opportunity through a
- 7 longer instructional day that has proven to be successful where it
- 8 has been implemented. School districts can obtain an example of
- 9 an extended kindergarten curriculum to help them more easily
- 10 transition to the program. One example curriculum that was
- 11 designed for a full-day kindergarten program is available through
- 12 the Los Angeles Unified School District, which has already
- 13 implemented a full-day program.
- 14 (c) Full-day kindergarten should provide time to meet the
- 15 developmentally based instructional needs of the whole child. It
- 16 should encompass all curricular areas, including visual and
- 17 performing arts and physical education, as outlined in the state
- 18 adopted curriculum frameworks.
- 19 (d) In addition, full-day kindergarten must be a priority for
- 20 school districts and reserving or obtaining space for the full-day
- 21 kindergarten program must take precedence over all nonclass
- 22 requirements.
- 23 (e) However, some school districts may face difficulties in
- 24 transitioning to a full-day kindergarten program and these school

1 districts must be provided with the necessary time to achieve  
2 readiness.

3 SEC. 2. Section 8973 of the Education Code is amended to  
4 read:

5 8973. (a) Notwithstanding any other law, the kindergarten  
6 schoolday in an early primary program conducted pursuant to  
7 Section 8972 may exceed four hours, exclusive of recesses,  
8 provided that both of the following conditions are met:

9 (1) The governing board of a school district declares that the  
10 extended-day kindergarten program does not exceed the length of  
11 the primary schoolday.

12 (2) The extended-day kindergarten program takes into account  
13 ample opportunity for both active and quiet activities within an  
14 integrated, experiential, and developmentally appropriate  
15 educational program.

16 (b) This section shall become inoperative on July 1, 2017, and  
17 as of January 1, 2018, is repealed, unless a later enacted statute  
18 that becomes operative on or before January 1, 2018, deletes or  
19 extends the dates on which it becomes inoperative and is repealed.

20 SEC. 3. Section 37202 of the Education Code is amended to  
21 read:

22 37202. (a) Except if a school has been closed by order of a  
23 city or a county board of health, or of the State Board of Health,  
24 on account of contagious disease, or if the school has been closed  
25 on account of fire, flood, or other public disaster, the governing  
26 board of a school district shall maintain all of the elementary day  
27 schools established by it for an equal length of time during the  
28 school year and all of the day high schools established by it for an  
29 equal length of time during the school year.

30 (b) Notwithstanding subdivision (a), a school district that is  
31 implementing an early primary program, pursuant to Chapter 8  
32 (commencing with Section 8970) of Part 6, *of Division 1 of Title*  
33 *1* may maintain kindergarten classes at different schoolsites within  
34 the *school* district for different lengths of time during the  
35 schoolday, except as provided in subdivision (c).

36 (c) Commencing with the 2017–18 school year, each school  
37 district shall implement a full-day kindergarten program.

38 (d) A school district that determines that it cannot comply with  
39 *the* requirement in subdivision (c) may, after deliberation and vote  
40 of its governing board, postpone the requirement of subdivision

(c). The reasons for the postponement, if approved by the governing board of the school district, shall be submitted to the department within one month of the vote.

(e) For purposes of this section, “full-day kindergarten” means, except as otherwise provided in this chapter, instruction provided for ~~a minimum of 230~~ *the same number of minutes per schoolday, schoolday that is offered to pupils in first grade*, exclusive of noon intermissions, but inclusive of recesses, in accordance with Section 46115.

(f) It is the intent of the Legislature that the governing board of a school district develop the implementation plan for full-day kindergarten pursuant to this section in consultation with affected employee representatives and parents.

SEC. 4. Section 46111 of the Education Code is amended to read:

46111. (a) (1) A pupil in a kindergarten shall not be kept in school in any day more than four hours exclusive of recesses, except for pupils in Early Primary Programs, as set forth in Chapter 8 (commencing with Section 8970) of Part 6 of *Division 1 of Title 1*.

(2) A pupil in a kindergarten in a school operating on a program of multitrack year-round scheduling pursuant to subdivision (a) of Section 37670 may be kept in school on any day for 265 minutes of instruction, exclusive of recesses.

(b) This section does not apply to the Pasadena Unified School District or counties of the third class as determined pursuant to Section 28024 of the Government Code, as it read on January 1, 1977.

(c) This section does not apply to a pupil of the San Bernardino Unified School District who is determined by the principal of the school in which that pupil is enrolled, pursuant to testing, teacher recommendation, or both, to be developmentally and academically suited for a longer instructional day.

(d) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 46112 of the Education Code is amended to read:

1     46112. (a) The minimum schoolday in grades 1, 2, and 3 in  
2 elementary schools, except in opportunity schools, classes, or  
3 programs, is 230 minutes, except if the governing board of a school  
4 district has prescribed a shorter length for the schoolday because  
5 of a lack of school facilities that requires double sessions, in which  
6 case the minimum schoolday in those grades shall be 200 minutes.

7     (b) This section shall become inoperative on July 1, 2017, and  
8 as of January 1, 2018, is repealed, unless a later enacted statute  
9 that becomes operative on or before January 1, 2018, deletes or  
10 extends the dates on which it becomes inoperative and is repealed.

11     SEC. 6. Section 46112 is added to the Education Code, to read:

12     46112. (a) The minimum schoolday in grades 1, 2, and 3 in  
13 elementary schools, except in opportunity schools, classes, or  
14 programs, is 230 minutes, except if the governing board of a school  
15 district has prescribed a shorter length for the schoolday because  
16 of a lack of school facilities that requires double sessions, in which  
17 case the minimum schoolday in those grades is 200 minutes.

18     (b) The minimum schoolday in kindergarten in elementary  
19 schools is ~~230 minutes~~; *the same number of minutes per schoolday*  
20 *that is offered to pupils in first grade*, except where the governing  
21 board of a school district has voted to postpone that minimum  
22 schoolday pursuant to subdivision (d) of Section 37202, in which  
23 case the minimum schoolday in kindergarten shall be 180 minutes.

24     (c) This section shall become operative on July 1, 2017.

25     SEC. 7. Section 46114 of the Education Code is amended to  
26 read:

27     46114. (a) The minimum schoolday in a kindergarten  
28 implementing the full-day kindergarten program required by  
29 subdivisions (c) and (e) of Section 37202 and in grades 1, 2, and  
30 3 in elementary schools may be computed by determining the  
31 number of minutes of attendance in any 10 consecutive schooldays  
32 and dividing that number by 10. If the resulting quotient is 230 or  
33 more, the pupils shall be deemed to have complied with Section  
34 46112, even if the number of minutes attended in any one  
35 schoolday is less than 230, but not less than 170.

36     (b) The minimum schoolday in grades 4, 5, 6, 7, and 8 in  
37 elementary schools may be computed by determining the number  
38 of minutes of attendance in any 10 consecutive schooldays and  
39 dividing that number by 10. If the resulting quotient is 240 or more,  
40 the pupils shall be deemed to have complied with Section 46113,

1 even if the number of minutes attended in any one schoolday is  
2 less than 240, but not less than 180.

3 (c) The minimum schoolday in kindergarten in elementary  
4 schools that are not implementing the full-day kindergarten  
5 program required by subdivision (c) of Section 37202 may be  
6 computed by determining the number of minutes of attendance in  
7 any 10 consecutive schooldays and dividing that number by 10.  
8 If the resulting quotient is 180 or more, pupils shall be deemed to  
9 have complied with Section 46117, even if the number of minutes  
10 attended in any one schoolday is less than 180, but not less than  
11 60.

12 (d) A computation authorized by this section shall not result in  
13 any increase in state apportionments.

14 (e) This section shall become inoperative on July 1, 2017, and  
15 as of January 1, 2018, is repealed, unless a later enacted statute  
16 that becomes operative on or before January 1, 2018, deletes or  
17 extends the dates on which it becomes inoperative and is repealed.

18 SEC. 8. Section 46114 is added to the Education Code, to read:

19 46114. (a) The minimum schoolday in kindergarten and grades  
20 1, 2, and 3 in elementary schools may be computed by determining  
21 the number of minutes of attendance in any 10 consecutive  
22 schooldays and dividing that number by 10. If the resulting quotient  
23 is 230 or more, the pupils shall be deemed to have complied with  
24 Section 46112, even if the number of minutes attended in any one  
25 schoolday is less than 230, but not less than 170.

26 (b) The minimum schoolday in grades 4, 5, 6, 7, and 8 in  
27 elementary schools may be computed by determining the number  
28 of minutes of attendance in any 10 consecutive schooldays and  
29 dividing that number by 10. If the resulting quotient is 240 or more,  
30 the pupils shall be deemed to have complied with Section 46113,  
31 even if the number of minutes attended in any one schoolday is  
32 less than 240, but not less than 180.

33 (c) The computation authorized by this section shall not result  
34 in any increase in state apportionments.

35 (d) This section shall become operative on July 1, 2017.

36 SEC. 9. Section 46117 of the Education Code is amended to  
37 read:

38 46117. (a) The minimum schoolday for a pupil in a  
39 kindergarten other than a kindergarten that is implementing the  
40 full-day kindergarten program required by subdivision (c) of

1 Section 37202 is 180 minutes inclusive of recesses, and a unit of  
2 average daily attendance shall not be credited for attendance in  
3 kindergarten classes if the minimum schoolday of those classes is  
4 less than 180 minutes.

5 (b) This section shall become inoperative on July 1, 2017, and  
6 as of January 1, 2018, is repealed, unless a later enacted statute  
7 that becomes operative on or before January 1, 2018, deletes or  
8 extends the dates on which it becomes inoperative and is repealed.

9 SEC. 10. Section 46118 of the Education Code is amended to  
10 read:

11 46118. (a) A single-session kindergarten class shall meet all  
12 of the following criteria:

13 (1) The class is maintained for a minimum of 180 minutes per  
14 schoolday, unless the kindergarten is implementing the full-day  
15 kindergarten program required by subdivision (c) of Section 37202.

16 (2) The kindergarten class teacher is assigned to only one session  
17 of kindergarten daily as a principal teacher.

18 (3) The kindergarten teacher is a full-time certificated employee.

19 (4) The kindergarten teacher shall be available for assistance  
20 or assignment in the instructional program of the primary grades  
21 when not involved in the kindergarten program.

22 (b) This section shall become inoperative on July 1, 2017, and  
23 as of January 1, 2018, is repealed, unless a later enacted statute  
24 that becomes operative on or before January 1, 2018, deletes or  
25 extends the dates on which it becomes inoperative and is repealed.

26 SEC. 11. Section 46119 of the Education Code is amended to  
27 read:

28 46119. (a) The governing board of a school district that has  
29 fewer than 40 pupils enrolled in kindergarten classes may apply  
30 to the Superintendent for approval to maintain two kindergarten  
31 classes of 150 minutes each inclusive of recesses on the same day  
32 that are taught by the same teacher. The average daily attendance  
33 for those classes shall be adjusted by a multiplication factor of  
34 0.500.

35 (b) This section shall become inoperative on July 1, 2017, and  
36 as of January 1, 2018, is repealed, unless a later enacted statute  
37 that becomes operative on or before January 1, 2018, deletes or  
38 extends the dates on which it becomes inoperative and is repealed.

39 SEC. 12. If the Commission on State Mandates determines  
40 that this act contains costs mandated by the state, reimbursement

- 1 to local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

O